

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:)	
Jaquana Tanecia Milledge,)	CASE NO.: 21-02968 jw
SSN# (xxx-xx-3074))	
aka Jaquana T Milledge,)	
aka Jaquana Milledge,)	
)	
Debtor,)	
)	
Jaquana Tanecia Milledge,)	CHAPTER 13
SSN# (xxx-xx-3074))	
aka Jaquana T Milledge,)	
aka Jaquana Milledge,)	
)	
Plaintiff,)	
)	
v.)	
)	
Carolina Acceptance,)	
)	
Defendant(s))	
)	
)	Adv. Proc. No. 22-80001
)	
)	
)	

MOTION FOR EXPEDITED HEARING ON MOTION FOR IMMEDIATE TURNOVER

Debtor, by the undersigned counsel, hereby moves for an Order of this Court to require the above-captioned Defendant to immediately turn over the below-described vehicle to Debtor.

Debtor assigns the following reason for this request:

1. Certain of the Debtor's exempt property, which is property of the estate as defined by 11 U.S.C. §541, to wit, a 2016 Dodge Charger SXT in which Debtor(s) has/have an interest, is in the possession of Defendant.

2. The present case was filed November 17, 2021, and debtor's Section 341 hearing was conducted on December 21, 2021. The subject vehicle was repossessed by the creditor later that day. The creditor, nor their attorney, did not attend the Meeting of Creditors Hearing.

3. The creditor, by and through their attorney, filed an objection to the debtors Chapter 13 plan. This action through the court clearly provided proof of knowledge of filing. Also, there was no indication through this objection that the creditor was going to repossess the subject vehicle. Debtor was not in possession of the vehicle at the time of the filing, was not in possession of the vehicle at time of the Meeting of Hearing and the objection to the debtor's Chapter 13 bankruptcy plan has not been addressed and adjudicated by the court.

4. Because Debtor requires vehicle for her to be able to work this vehicle helps the household and is required. Furthermore, Debtor has four (4) children so use of a reliable vehicle is necessary for the household. Plaintiff is suffering, and will continue to suffer, irreparable harm by being without this means of transportation, since transportation is necessary for debtor's household. Without this vehicle, the Debtor's Chapter 13 bankruptcy is in jeopardy.

5. Plaintiff is continuing to be solely responsible for the taxes and insurance on vehicle which is in Defendant's possession.

6. Defendant was given notice of Plaintiff's filing of the petition, as evidenced by the Creditor matrix and certificate of service on file with this Court. Furthermore, the creditor also filed an objection to the debtor's Chapter 13 plan on December 6, 2021, prior to the repossession indicating knowledge of filing.

7. Defendant, through her attorney, and the creditor, through their attorney, came to an understanding for returning the vehicle if the debtor paid the December 2021 immediately and paid the January, 2022 payment by this payment would be late, January 16, 2022. The debtor would amend her Chapter 13 plan to pay the vehicle outside the plan with attorney's fees and repossession charges inside the plan. As such, the creditor would not be harmed and would receive payments per the contract. This understanding was agreed with by the debtor who proceeded to attempt to pay the December 2021 payment on December 30, 2021. The creditor did not accept this payment. Upon contacting creditor's counsel, she indicated we did not have an agreement. Thus, Defendant has refused to turn over the 2016 Dodge Charger SXT.

WHEREFORE, Debtor hereby moves for an Order of this Court granting an expedited hearing on the Motion for Immediate Turnover.

Respectfully submitted.

MOSS & ASSOCIATES, ATTORNEYS, P.A.

/s/ Jason T. Moss

Jason T. Moss
Federal I.D. No. 7240
816 Elmwood Avenue
Columbia, South Carolina 29201
(803) 933-0202
Attorney for the Debtor(s)

Columbia, South Carolina

January 3, 2022

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:)	
Jaquana Tanecia Milledge,)	CASE NO.: 21-02968 jw
SSN# (xxx-xx-3074))	
aka Jaquana T Milledge,)	
aka Jaquana Milledge,)	
)	
Debtor,)	
)	
Jaquana Tanecia Milledge,)	CHAPTER 13
SSN# (xxx-xx-3074))	
aka Jaquana T Milledge,)	
aka Jaquana Milledge,)	
)	
Plaintiff,)	
)	
v.)	
)	
Carolina Acceptance,)	
)	
Defendant(s))	
)	
)	Adv. Proc. No. 22-80001
)	
)	

CERTIFICATION OF NECESSITY FOR EXPEDITED HEARING

The undersigned, as a member of the bar of this court, and as attorney for the Debtor(s) hereby certifies: (1) that he has reviewed carefully the attached motion for an emergency, or expedited, hearing; (2) that he believes that there is an urgent necessity for such hearing; and, (3) that his client will suffer the irreparable damage specified in the attached Motion if such request is not granted and the hearing is scheduled in accordance with the routine application of relevant sections of the Bankruptcy Code and the Bankruptcy Rules.

The undersigned further certifies that the necessity for an expedited hearing has not been caused by any lack of due diligence on the part of the undersigned, or his client.

The undersigned further certifies; (1) that prior to the filing of the attached Motion for Expedited hearing he has communicated, orally or in writing, with the other parties in interest to the underlying Motion for Immediate Turnover in a good faith attempt to resolve it without the necessity of an expedited hearing, and has been unsuccessful, or (2) that such attempt to resolve that Motion could not be made timely, or (3) that such attempt would serve no useful purpose, and (4) the irreparable harm is that Debtor(s) is/are without use of these vehicles necessary for a successful reorganization.

January 3, 2022

/s/ Jason T. Moss
Jason T. Moss
Fed. I.D. 7240
Attorneys for Debtor(s)
816 Elmwood Avenue
Columbia, SC 29201
(803) 933-0202